

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 10:</b> Adoption	<b>Effective Date:</b> TBD
	<b>Section X:</b> Evaluating Background Checks for Pre-Adoptive Placements and Home Studies	<b>Version:</b> 1

<b>POLICY [NEW]</b>	<b>OLD POLICY: N/A</b>
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1. The Indiana Department of Child Services (DCS) or Licensed Child Placement Agency (LCPA) will not approve a pre-adoptive placement or homestudy if an applicant has a conviction or pending<sup>1</sup> charges for the following crimes:
  - a. Murder
  - b. Causing or assisting suicide
  - c. Reckless homicide
  - d. Battery as a felony; see exception in Policy Statement #2 below if convicted more than five (5) years ago
  - e. Aggravated battery
  - f. Kidnapping
  - g. Criminal confinement
  - h. A felony sex offense under [IC-35-42-4](#)
  - i. Carjacking; see exception in Policy Statement #2 below if convicted more than five (5) years ago
  - j. Arson; see exception in Policy Statement #2 below if convicted more than five (5) years ago
  - k. Incest
  - l. Neglect of a dependent
  - m. Child selling
  - n. A felony involving a weapon under [IC 35-47](#) or [IC 35-47.5](#); see exception in Policy Statement #2 below if convicted more than five (5) years ago
  - o. A felony relating to controlled substances under [IC 35-48-4](#); see exception in Policy Statement #2 below if convicted more than five (5) years ago
  - p. An offense relating to material or a performance that is harmful to minors or obscene under [IC 35-49-3](#)
  - q. A felony that is substantially equivalent to a felony listed above for which the conviction was entered in another state
  - r. A sex offender as defined in [IC 5-2-12-4](#)
  - s. Any convictions, juvenile adjudications or pending charges for any felonies; or
  - t. Any convictions, juvenile adjudications or pending charges for any misdemeanors relating to the health and safety of a child; or
  - u. Any substantiations as a perpetrator of child abuse/neglect (CA/N)
2. DCS will use standardized criteria, see Procedure step 3, to determine the appropriateness of a pre-adoptive placement or home study and obtain local office director approval if the applicant or anyone age 14 or older living in the home has:
  - a. Any convictions, juvenile adjudications or pending<sup>1</sup> charges for any felonies other than those listed in policy statement 1; or

<sup>1</sup> To be considered as a reason for denial, the charges must be filed within 6 months of the arrest

- b. Any convictions, juvenile adjudications or pending<sup>1</sup> charges for any misdemeanors relating to the health and safety of a child; or
  - c. Any substantiations as a perpetrator of child abuse/neglect (CA/N)
- 3. LCPA will use standardized criteria, see Procedure step 3, to determine the appropriateness of a pre-adoptive placement or home study and obtain regional SNAP team approval if the applicant or anyone age 14 or older living in the home has:
  - a. Any convictions, juvenile adjudications or pending<sup>1</sup> charges for any felonies other than those listed in policy statement 1; or
  - b. Any convictions, juvenile adjudications or pending<sup>1</sup> charges for any misdemeanors relating to the health and safety of a child; or
  - c. Any substantiations as a perpetrator of child abuse/neglect (CA/N)

See also related policy, [10.X Background Checks for Private Adoptions and Adoptions of DCS Wards](#)

#### Code References

- [IC 31-19-11-1 Decree; affidavit; felony convictions](#)

### **PROCEDURE**

#### **FOR PRE-ADOPTIVE PLACEMENTS AND HOME STUDIES INVOLVING APPLICANTS WHO ARE WORKING THROUGH A LOCAL DCS OFFICE**

After completing the background checks (see separate policy, [10.X Background Checks for Private Adoptions and Adoptions of DCS Wards](#)), the local DCS adoption worker will:

1. Carefully review the results
2. If the background check shows the **applicant** has disqualifying criminal or civil history (see Policy Statement 1), send written notice to the applicant denying the pre-adoptive placement or home study. See [Sample Notice of Denial/Court Hearing](#).
3. If the background check shows **anyone else living in the house** has certain criminal or civil history (see Policy statements 2 and 3):
  - a. Consult with other DCS staff as needed to arrive at a written recommendation about the appropriateness of the pre-adoptive placement or home study based on:
    - i. Information yielded on all background checks; and
    - ii. The current home environment; and
    - iii. The ability of the proposed adoptive parent to provide for the child's safety and well-being; and
    - iv. The length of time that has passed since the conviction, juvenile adjudication or CA/N substantiation; and
    - v. The severity of the offense; and
    - vi. Evidence of the person's rehabilitation; and
    - vii. If there is a child living in the applicant's home who has behavioral issues (violence, sexual offender, etc), the soundness of the proposed safety plan to protect adopted children coming into the home.
  - b. Inform the applicant of the final determination. If the final determination was a denial, provide written notice. See [Sample Notice of Denial/Court Hearing](#).
  - c. Take additional appropriate steps:
    - i. See separate policy, [8.X Preparing the Child for Placement](#); or
    - ii. See separate policy, [Chapter 10, Adoption](#) for next steps following completion of a home study

FOR ADOPTIONS INVOLVING APPLICANTS WHO ARE WORKING THROUGH AN LCPC

The DCS central office background checks worker will:

1. Follow procedural steps 1 through 3 on pages 1 and 2 of this document, however, he/she will NOT send notice directly to the applicant, instead, he/she will:
2. Send the LCPC a separate memo for each individual checked, using one of the following statements:
  - a. "DCS has received the Fingerprint-Based National Criminal History regarding [name of prospective adoptive parent or household member], [date of birth]. The results indicate that [name] **does not** have criminal that would disqualify this individual from being an adoptive parent or residing in the home of an adoptive child." **OR**
  - b. "DCS has received the Fingerprint-Based National Criminal History regarding [name of prospective adoptive parent or household member], [date of birth]. The results indicate that [name] **does have** criminal that disqualifies this individual from being an adoptive parent or residing in the home with an adoptive child." **OR**
  - c. "DCS has received the Fingerprint-Based National Criminal History regarding [name of prospective adoptive parent or household member], [date of birth]. The results indicate that [name] **does have** criminal history that must be considered prior to approving the individual as an adoptive parent or residing in the home with an adoptive child. Please contact the Central Office Background Check Unit for details."

**PRACTICE GUIDANCE**

**FORMS AND TOOLS**

- [Sample Notice of Denial/Court Hearing](#)

**RELATED INFORMATION**